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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Kimmo Tuomainen

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EXAMINER

TRAN, MYLINH T

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/602,540	Applicant(s) TUOMAINEN ET AL.	
	Examiner Mylinh Tran	Art Unit 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant's Amendment filed 04/19/07 has been entered and carefully considered. Claims 1-4, 6-8, 10, 19-20 and 22-25 have been amended. Claim 5 is canceled. However, the limitation of the amended claims have not been found to be patentable over prior art of record, therefore, claims 1-4, 6-27 remain rejected under the same ground of rejection as set forth in the Office Action mailed 12/19/06.

Specification

Claims 24-25 are objected to because of the following informalities: the term of "storage medium readable" is not defined in the present specification. Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 22-23 are rejected under 35 U.S.C 101 because the claimed invention is directed to non-statutory subject matter.

Claims 22-23 direct to an apparatus comprising software per se. Software per se is not one of the four categories of invention and therefore these claims are not statutory. Software per se is not a series of steps or acts and thus is not a process. Software per se is not a physical article or object and as such is not a

machine or manufacture. Software per se is not a combination of substances and therefore is not a composition of matter.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-27 are rejected under 35 U.S.C. 102(b) as being Inoue et al. by [US. 6,332,024].

As to claims 1, 19, 22 and 24, Inoue et al. teach displaying a menu on a display of an electronic device (figure 10A), including displaying a plurality of selection elements (figure 13E); activating one of the selection elements ("NEWS" is selected), and magnifying said one of the selection elements (the selection "NEWS" is highlighted to indicate magnifying the selection), magnifying said one of the selection elements, and displaying an auxiliary element only in the one of the selection elements that has been activated (figure 13E), wherein the at least one auxiliary element includes at least one directional indicator indicating possible navigating directions for activating another of the selection elements displayed outside said one of the selection elements (figure 13E, arrows G 41-42 show the navigating directions, column 16, lines 19-45).

As to claims 2, 20, 23 and 25, Inoue et al. teach defining a submenu for the one of the selection elements and displaying said submenu (column 6, lines 13-40).

As to claim 3, Inoue et al. teach activating an element of a submenu and displaying an auxiliary element on the activated element of the submenu (column 6, lines 13-40).

As to claim 4, Inoue et al. teach the auxiliary element being not shown in the no-active selection elements (figure 13F, the key "END" is not active selection element).

As to claim 6, Inoue et al. teach the indicator being an arrow pointing to one possible navigating direction (figure 13E, arrows G 41-42 show the navigating directions).

As to claim 7, Inoue et al. teach another auxiliary element in the one of the selection elements that has been activated, displays a selectable function (figure 13B, the key "Host 1" is selected).

As to claim 8, Inoue et al. teach the selectable function being accessible via a shortcut (figure 13F, "envelope" is a mail indicator).

As to claim 9, Inoue et al. teach said auxiliary element being located close to an identifier of the active selection element (figure 13F, a next element closes to the "envelop" element).

As to claims 10 and 18, Inoue et al. teach an identifier of the selection element is at least one the following: an icon, an object, a figure, a text, or a cell of a menu (figure 13F).

As to claim 11, Inoue et al. teach the display format comprising one or more selection elements (figure 13E), at least one selection element comprising an auxiliary element (figure 13E, arrows G 41-42 show the navigating directions, column 16, lines 19-45), and only an active selection element comprising a visible auxiliary element (the selection "NEWS" is highlighted to indicate magnifying the selection).

As to claim 12, Inoue et al. teach at least one magnified selection element of the first selection element level (figure 13B, "Host 1" is selected).

As to claim 13, Inoue et al. teach the auxiliary element comprising at least one indicator indicating the possible navigating direction (figure 13E, arrows G 41-42 show the navigating directions, column 16, lines 19-45).

As to claim 14, Inoue et al. the indicator being an arrow pointing to one possible navigating direction (figure 13E, arrows G 41-42 show the navigating directions, column 16, lines 19-45).

As to claim 15, Inoue et al. teach the auxiliary element comprising at least one indicator indicating the selectable function (figure 13F, G41 is the selectable function).

As to claim 16, Inoue et al. teach the indicator being a shortcut menu (figure 13E).

As to claim 17, Inoue et al. teach the selection element comprising an identifier of the element and an auxiliary element which are located close to said identifier (figure 13F, a next element closes to the “envelop” element).

As to claim 21, Inoue et al. teach the display format comprising one or more selection elements, at least one selection element comprising an auxiliary element and only an active selection element comprising a visible auxiliary element (column 7, lines 25-57).

As to claim 26, Inoue et al. teach means for presenting various menus (figure 13B-F), wherein at lease one of the menus comprising a plurality of selection elements (“NEWS” is selected); means for activating on of the selection elements; and means for magnifying said one of the selection elements (the selection “NEWS” is highlighted to indicate magnifying the selection); wherein at least one of the selection elements comprising an auxiliary element, wherein only an active selection element comprising a visible auxiliary element and wherein the at least one auxiliary element including at least one directional indicator indicating possible navigating directions for activating an other of the selection elements (figure 13E, arrows G 41-42 show the navigating directions, column 16, lines 19-45).

As to claim 27, Inoue et al. teach means for presenting a submenu for the one of the selection elements (figures 13B-F).

Response to Arguments

Applicant has argued that Inoue does not teach or suggest the idea of magnifying a selection element. However, the key "G42" is highlighted to indicate the magnifying of the selected key G42.

Application has also argued that Inoue does not teach or suggest a directional indicator. However, the key G41 is the directional indicator to display information from the left; and G42 is the directional indicator to display information from the right.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4141.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo, can be reached at 571-272-4847.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

571-273-8300

Art Unit: 2179

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mylinh Tran

Art Unit 2179



WEILUN LO
SUPERVISORY PATENT EXAMINER